IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19471 of 2004

Between:

Patsa Ganeshwara Rao, s/o late Sita Ram,
r/o Bhimole Village, Gopalapuram Mandal,
West Godavari District.

PETITIONER

AND

1 The District Collector, (Panchayat Wing), Eluru, W.G.District.
2 The District Panchayat Officer, Eluru, W.G.District.
3 Kantamani Satyanarayana,
r/o Ragulapally, Tallapudi Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order direction more particularly one in the nature of writ of mandamus declares the action of the respondents 1&2 in not taking action on the resolution passed by the Gram Panchayat on 30-09-2004 against the 3rd respondent as illegal, arbitrary and consequentially set aside the proceedings Roc.No.2/2004 A1 Pts.dt.27-09-2004

Counsel for the Petitioner: MR.P.R.K.AMERANDRA KUMAR

Counsel for the Respondent Nos. 1 & 2: GP FOR PANCHAYAT RAJ &RURAL DEV.

The Court at the stage of admission made the following:

ORAL ORDER:

The present writ petition is filed to issue a writ of mandamus declaring the action of the respondents 1 and 2 in not taking any action on the resolution dated 30-9-2004 passed by the Gram Panchayat against the third respondent, as illegal.

The District Collector in his proceedings dated 27-9-2004 passed order transferring the third respondent as Panchayat Secretary to the Gram Panchayat Bhimole Village, Gopalapuram Mandal in West Godavari District. Basing on the said order, the Gram Panchayat passed a resolution on 30.9.2004, saying that while the third respondent was working as Village Administrative Officer in Bhomle Gram Panchayat, he committed certain irregularities, and that an enquiry has been pending against him and therefore, the Gram Panchayat submitted a representation to the District Panchayat Officer-Second respondent herein requesting to cancel the transfer orders of the third respondent.

The said aspect has to be decided and determined by the respondents 1 and 2, but they have not passed any orders on the representation said to have been submitted by the Gram Panchayat in pursuance of the resolution passed by it on 30-9-2004.

Therefore, the writ petition is disposed of with a direction to the respondents 1 and 2 to pass appropriate orders on the representation dated 30-09-2004 said to have been submitted by the Gram Panchayat, Bhimole, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

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kvsn/mdaa 19-10-2004

To

1 The District Collector, (Panchayat Wing), Eluru, W.G.District.
2 The District Panchayat Officer, Eluru, W.G.District.
3 Two copies to the G.P. for Panchayat Raj & Rural Development, High Court buildings, Hyderabad.

4 Two C D copies.